

DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF TAXATION**

830 PUNCHBOWL STREET, ROOM 221

HONOLULU, HAWAII 96813

<http://tax.hawaii.gov/>

Phone: (808) 587-1540 / Fax: (808) 587-1560

Email: Tax.Directors.Office@hawaii.gov

To: The Honorable Henry J.C. Aquino, Chair
and Members of the House Committee on Transportation

Date: Friday, February 1, 2019
Time: 10:00 A.M.
Place: Conference Room 423 State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: H.B. 612, Relating to Abandoned Vehicles

The Department of Taxation (Department) provides the following comments regarding H.B. 612 for your consideration.

H.B. 612 requires the Department to assess and collect a fine against any county that fails to comply with any provision of Hawaii's abandoned vehicles law or any lawful rule adopted by the Director of Finance under the authority of the law, and to deposit the same into the general fund. The measure is effective on July 1, 2019.

First, the Department notes that it is not an expert on Hawaii's abandoned vehicles law or any of its provisions or any of the rules adopted regarding it. The Department queries whether it is the appropriate agency to make a determination that a county has failed to comply with any of the law's provisions or of any of the rules adopted regarding it.

Secondly, the measure sets the fine as not less than \$150, but not more than \$500, but provides no guidance as to how the amount of the fine is to be determined, who in the Department has the authority to assess such fine, whether such fine is final and non-appealable, or how long the county has to pay such fine. The Department also believes that it is far more efficient to simply offset monies being paid to the counties by the State rather than creating a cumbersome and burdensome system of assessing a fine and attempting to collect it.

Thank you for the opportunity to provide comments.

DAVID Y. IGE
GOVERNOR



RODERICK K. BECKER
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY RODERICK K. BECKER
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON TRANSPORTATION
ON
HOUSE BILL NO. 612

February 1, 2019
10:00 a.m.
Room 423

RELATING TO ABANDONED VEHICLES

House Bill (H.B.) No. 612 proposes to:

- a) Establish fines for any county that fails to comply with any provision of Hawaii's abandoned vehicles law or any lawful rule adopted by the Director of Finance under the authority of the law; and
- b) Requires the Department of Taxation to fine, collect and deposit the fines into the general fund.

The Department of Budget and Finance notes that Chapter 290, HRS, Abandoned Vehicles, applies to the counties and addresses abandoned vehicles as indicated by Section 290-1, HRS, Disposition by Counties of Certain Abandoned Vehicles. Under this section, the term "agency" means any office, department, or other governmental unit of the county. Thus, the "Director of Finance" referenced in H.B. No. 612 should be the county director of finance.

Thank you for your consideration of our comments.

DEPARTMENT OF CUSTOMER SERVICES
CITY AND COUNTY OF HONOLULU

MISSION MEMORIAL BUILDING
550 SOUTH KING STREET, HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-3392 FAX: (808) 768-1591
<http://www.honolulu.gov>

KIRK CALDWELL
MAYOR



SHERI T. KAJIWARA
DIRECTOR

RANDY M. LEONG
DEPUTY DIRECTOR

TESTIMONY OF SHERI T. KAJIWARA, DIRECTOR
CITY AND COUNTY OF HONOLULU, DEPARTMENT OF CUSTOMER SERVICES
Friday, February 1, 2019, 10:00 a.m., Conference Room 423

HOUSE BILL 612, "RELATING TO Abandoned Vehicles"

TO: The Honorable Henry J.C. Aquino, Chair
And Members of the Committee on Transportation

The Department of Customer Services (CSD) of the City and County of Honolulu respectfully opposes H.B. No. 612 which proposes to establish a fine for any county that fails to comply with any provision of Hawaii's abandoned vehicles law or any lawful rule adopted by the State Director of Finance.

While CSD understands that the issue of abandoned vehicles, including delays in the removal and disposal of these vehicles, has affected a number of communities island-wide, particularly along Oahu's leeward coast, the issue can become quite complex. For example, while a county is responsible for taking abandoned vehicles into custody within ten business days of abandonment, if a vehicle which appears to be abandoned is moved, even just a few inches, it is not considered abandoned. Furthermore, the sheer volume of abandoned vehicles along public roads and highways on Oahu causes delays in their removal.

This piece of legislation overlooks many facts. Primarily, it fails to acknowledge that the legal requirement for adherence to §290-45 is contingent on data accessibility on a system that is not only owned by the State of Hawai'i but one for which the State has abdicated nearly all responsibility and future planning for. Proof of this abdication can be cited in this article: <https://www.civilbeat.org/2019/01/cracking-down-on-people-who-abandon-cars-is-harder-than-you-think/>

As quoted from the Department of Transportation (DOT) spokesman Tim Sakahara, "The state Department of Transportation owns the database and has no plans to modernize it, a process that could cost millions of dollars."

If the DOT is on record stating that it has no plans to modernize its database AND a modernization of the database is what is required to expedite adherence to §290-45, then it would appear to be counter intuitive to fine the Counties when the responsibility for a solution lies squarely on the shoulders of the State of Hawai'i.

The Honorable Henry J.C. Aquino, Chair
And Members of the Committee on Transportation
H.B. 612, Relating to Abandoned Vehicles
Page 2

The City & County of Honolulu as represented on this legislation by CSD is here to enable legislators to understand the framework of how existing legislation compounded by a burdensome system is the root cause that continues to serve as an enabler of this chronic issue.

CSD shares the concerns of your Committee and many in communities island-wide that abandoned vehicles are not only an eyesore, but also create public health and safety concerns. However, CSD believes that the issuance of a fine against a county appears to be counterproductive to our department's goal of ultimately removing abandoned vehicles from Oahu's public roads and highways. The notion of a penalty imposed on the agency, should be instead shifted and directed to a penalty on the registered owner of the vehicle (as proposed in HB 1234).

Please rest assured that CSD continues to work in conjunction with the Honolulu Police Department and other public agencies and departments to remove vehicles deemed abandoned from Oahu's public roads and highways.

For these reasons, we respectfully oppose H.B. No. 612, and request that the measure be held.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHON GREMS
DEPUTY CHIEFS

OUR REFERENCE DI-MK

February 1, 2019

The Honorable Henry J. C. Aquino, Chair
and Members
Committee on Transportation
House of Representatives
415 South Beretania Street, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

SUBJECT: House Bill No. 612, Relating to Abandoned Vehicles

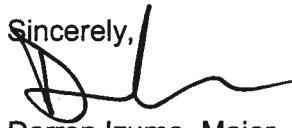
I am Major Darren Izumo of District 5 (Kalihi) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes the passage of House Bill No. 612, Relating to Abandoned Vehicles, which establishes fines to any county that fails to comply with any provision of Hawaii's abandoned vehicles law or any lawful rule adopted by the Director of Finance.

Of particular concern is Hawaii Revised Statutes Section 290-1(a) which requires abandoned vehicles to be removed within 10 business days of abandonment. The HPD and the City are limited in the amount of vehicles that can be removed due to the capacity of the towing companies' lots where the vehicles are stored.

The HPD urges you to oppose House Bill No. 612, Relating to Abandoned Vehicles.

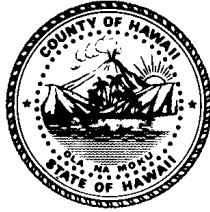
Thank you for the opportunity to testify in opposition of this bill.

Sincerely,

Darren Izumo, Major
District 5

APPROVED:


Susan Ballard
Chief of Police

Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i
Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

January 31, 2019

Representative Henry J.C. Aquino, Chair
Committee on Transportation
Hawai'i State Capitol
Honolulu, HI 96813

Dear Chair Aquino and Committee Members:

Re: HB 612 Relating to Abandoned Vehicles
Hearing Date: 02/01/2019 – 10:00 am; House Conference Room 423

Our constituents are the same as yours, so we are well aware of their frustrations, and we regret that legislation passed last session has not improved the towing schedule of abandoned vehicles. However, there are reasons why.

An abandoned vehicle has to be unmoved for 24 hours before being cited by the police. The day that the police deem the vehicle "abandoned" is after they cite the vehicle, not the day the vehicle is left on the side of the road. Hence, the change requiring removal within ten days of abandonment cannot mean ten days after it was left on the road. We generally tow within 72 hours of getting notification from the police that a vehicle is officially abandoned.

Fining the County would not improve anything; our constituents provide all the incentive we need to act as quickly as legally allowed.

HB 612 should not be approved.

Respectfully submitted,

Harry Kim
Mayor, County of Hawai'i

HB-612

Submitted on: 1/31/2019 2:33:54 AM

Testimony for TRN on 2/1/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tadia Rice	Individual	Support	No

Comments:

HB-612

Submitted on: 1/31/2019 10:00:43 AM

Testimony for TRN on 2/1/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Comments	No

Comments:

Will this law have enforcement? A casual drive around any part of O`ahu will show that the abandoned vehicles are becoming even worse.

HB-612

Submitted on: 1/31/2019 11:32:56 AM

Testimony for TRN on 2/1/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Ramirez	Individual	Support	No

Comments:

Dear Rep. Gates:

I strongly SUPPORT HB612.

The State has allowed dangerous abandon vehicles to become permanent fixture along and throughout the Waianae Coast. If revenue generated by Tourism is of interest to the State, then know that Waianae now looks like a Third World Country. Tourists are coming here to paddle at Poka'i Bay, Hike to Ma'ili Pill Boxes, and dine at Kahumana Farms...but not for long.

If these eyesores that are hazardous to curious keiki aren't removed soon and regularly, the State is responsible for any financial or physical harm that befalls our community.

Malama Waianae! I support HB612

Thank you Rep. Gates for introducing this bill!

Sincerely,

Deb Ramirez

HB-612

Submitted on: 1/31/2019 2:59:06 PM

Testimony for TRN on 2/1/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
joseph simpliciano	Individual	Support	No

Comments:

Aloha,

I fully support this bill as a means to help find a solution to our dumping problems. I know first hand the frustration and the lack of motivation taxpayers feel when they want the city to remove abandoned vehicles. These abandoned vehicles is a hazard on our beaches, in our neighborhoods and throughout each community. HPD (city agency) is able to remove derelict vehicles by calling a tow truck but they choose to leave it for others. Please vote yes as this bill will benefit the whole island. Everyone has a job to do so I think it's safe to say the city should do theirs and if not pay just like any taxpayer would. Mahalo

LATE

HB-612

Submitted on: 02/01/2019 9:45 AM

Testimony for TRN on 02/01/2019 10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patty Kahanmoku-Teruya	Nanakuli Hawaiian Homestead Resident	Support	NO

Comments:

January 30, 2019

House Transportation Committee

RE: HB612 Relating to Abandoned Vehicles

Mahalo to the Introdurers of this House Bill 612, in relating for any fines for any County that fails to comply with any provision of Hawaii's abandoned vehicle law or any lawful rule adopted by the State Director of Finance under the authority of the law.

With the increase of abandoned vehicles along the Wai'anae Coast from Kaena Point to Nanakuli, we must now hold the City and County of Honolulu, Department of Customers Services in compliance and come up with a better program of a removal plan for all the abandoned vehicles along the City and County beach parks and parking lot, Farrington Highway and in our sub districts.

The City's Department of Customer Services program they introduce Vehicle a Junk? (Junk your vehicle it's easy free), does not seem to have reduce the problems of vehicles being abandoned on public view. The department have had adequate years to prepare for a more comprehensive plan and strengthen the laws along with hard penalties to any vehicle owner.

The disposal of vehicles along public areas are out of control and an eye sore in our community , every day we see new cars, trucks abandoned and it takes the City a very long time in removing them a way.

I support the State of Hawaii in a House Bill 612 that will hold the County to comply in the Hawaii's abandoned vehicle law.

Mahalo piha,

Patty Kahanamoku-Teruya
Nanakuli Hawaiian Homestead Resident

P.O. Box 2308 Wai'anae, Hawaii 96792

LATE

HB-612

Submitted on: 1/30/2019 9:30 AM

Testimony for TRN on 02/01/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sam Kapoi	Individual	Support	No

Comments:

Strong Support!

LATE

HB-612

Submitted on: 1/30/2019 9:30 AM

Testimony for TRN on 02/01/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tyrell Silva	Individual	Support	No

Comments:

I totally support this bill. Malama the aina